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[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3641

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No. 09/993467  
Applicant(s) Welle  
Examiner Tudor H.J. Group Art Unit 364

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- Responsive to communication(s) filed on \_\_\_\_\_.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1-60 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) 1-60 are subject to restriction or election requirement.

**Application Papers**

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - All
  - Some\*
  - None of the CERTIFIED copies of the priority documents have been
  - received.
  - received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

**Attachment(s)**

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892
- Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Other \_\_\_\_\_

**Office Action Summary**

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-28, 59 and 60 drawn to a tagged ammunition and/or method of tagging ammunition.

Group II, claims 29-58, drawn to a taggant and/or a method of tagging.

2. The inventions listed as Groups do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: In the present case, there is no common "special technical feature" because the general inventive concept set forth, for example, in claim 1, does not define over the teachings of US Patent 4,222,330. Also the general inventive concept set forth, for example in claim 45, does not define over the teachings of US Patent 4,657,729. Also the specifics of the taggant of Group II are not required for the taggant of claim 1. Also the taggant of Group II could be used in devices other than ammunition.

3. If applicant elects Group I, he must make the following election of species.

4. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A – tagged ammunition and method of tagging ammunition wherein the taggant is an ingredient of a primer mixture, claims 1, 2, 15, 16, 59 and 60.

B – tagged ammunition and method of tagging ammunition wherein the taggant is on a surface of the primer, claims 1, 3-6, 15, 17-20, 59 and 60.

C – tagged ammunition and method of tagging ammunition wherein the taggant is in a capsule, claims 1, 9-11, 15, 25, 26, 59 and 60.

D – tagged ammunition and method of tagging ammunition wherein the taggant is in a pellet, claims 1, 12-14, 15, 27, 28, 59 and 60.

E – tagged ammunition and method of tagging ammunition wherein the taggant is on the surface of the primer case, claims 1, 7, 8, 15, 59 and 60.

F – a method of tagging ammunition wherein the taggant is in a layer in a cartridge case, claims 21 and 22.

G – tagged ammunition and method of tagging ammunition wherein the taggant is in a layer in a primer case, claims 1, 15, 23, 24, 59 and 60.

There is no generic claim.

There species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features.

5. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims

subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 35 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species MPEP § 809.02(a).

6. If applicant elects Group II, he must make the following election of species.
7. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A – taggant and method of tagging wherein the taggant is a particulate, claims 29-34, and 50-56.

B – taggant and method of tagging wherein the taggant is a chemical, claims 35-37, 42-44, 48-51, 54 and 55.

C – taggant and method of tagging wherein the taggant is an isotope, claims 39-41, 45-47, 50-55.

D – method of tagging containing a chemical taggant and an isotopic taggant, claim 38.

E – a taggant comprising a particulate taggant and a chemical taggant, claims 56 and 57.

F – a taggant comprising a particulate taggant and an isotopic taggant, claims 56 and 58.

There is no generic claim.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features.

8. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species MPEP § 809.02(a).

9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

10. Any inquiry concerning this communication should be directed to Harold Tudor at telephone number (703) 306-4172.



HAROLD J. TUDOR  
PRIMARY EXAMINER